HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.8229 OF 2004

Between:

D. Sathi Reddy and seven others

. . .Petitioners

AND

Union of India rep., by its Deputy Secretary,
Ministry of Home Affairs, Loknayak Bhavan,
(Hyderabad FF Cell), New Delhi and another

. . .Respondents

:: ORDER ::

Counsel for the Petitioner	: Shri A. Rajendra Babu for Shri Subba Rao Korrapati
Counsel for respondent No.1	: Smt. Abbura Prasanna Laxmi
Counsel for respondent No.2	: Government Pleader for Revenue

Dated: 12-12-2006

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In this petition, the petitioners have prayed for issue of a mandamus to the respondents to sanction pension in their favour under Swatantrata Sainik Samman Pension Scheme, 1980 (for short, 'the 1980 Scheme').

The claim of the petitioners for grant of pension under the 1980 Scheme is founded on their assertion that they and/or their spouses had participated in Anti Nizam Movement and despite the direction given by this Court in Writ Petition No.1020 of 1998, the concerned authority has not entertained their claim.

In paragraph 3 of the affidavit filed on behalf of respondent No. 2 by Shri V. Veeresham, Deputy Secretary to Government, Revenue Department, the following averments have been made:

> "It is submitted that the Collector, Nalgonda has issued notices to the petitioners to attend before the Collector, Nalgonda on 06-11-2006 along with records. Except Smt. Kothi Janakamma W/o. Matta Reddy, the other Writ Petitioners attended and submitted to an application stating that the required documents were not submitted to the Government earlier. They have requested to allow them 15 days period for filing the same. In spite of waiting for 15 days as requested by the petitioners they never turned up nor have they submitted any documents in support of their claim, as reported by the District Collector, Nalgonda vide Lr.No.C3/9693/2004, dated 22-11-2006. Based on the report of the District Collector, Nalgona District, the Government have decided to recommend the cases of the petitioners to the Government of India (1st respondent) for rejection as the petitioners failed to submit

material evidence in support of their claim vide Govt.Lr. No.13806/FF.II(2)/2004, dated 13-11-2006".

The petitioners have not controverted the aforementioned averments.

I have heard learned counsel for the parties and perused the record. In my opinion, ends of justice would be met by giving one more opportunity to the petitioners to submit documents in support of their claim to be treated as freedom fighters with a direction to the committee constituted by the Government of Andhra Pradesh vide G.O.Rt.No. 1680 dated 02-08-2006 to scrutinize their cases and make appropriate recommendation, with a further direction that if the said committee makes recommendation then the Government of India shall consider their claim and pass appropriate order.

In the premises aforesaid, the writ petition is disposed of with the following directions:

(1) Within one month from today, the petitioners shall submit their documents to the Chairman of the committee constituted by the Government of Andhra Pradesh vide G.O.Ms. No. 1680 dated 02-08-2006.

(2) Within next two months, the committee shall scrutinize the documents and submit its report to the Secretary, Revenue Department, Government of Andhra Pradesh (Freedom Fighters Division).

(3) If the committee constituted by the Government is not convinced with the documents produced by the petitioners, then the competent authority shall inform them about rejection of their claim.

(4) If the committee recommends the petitioners cases for grant of pension, then the same be sent to

the Government of India, Ministry of Home Affairs for appropriate consideration and decision.

(5) Within two months from the date of receipt of communication sent by Secretary, Revenue Department, Government of Andhra Pradesh (Freedom Fighters Division) along with report of the committee, the concerned authority of the Government of India shall determine the eligibility and entitlement of the petitioners to receive pension under the 1980 Scheme and take appropriate decision, which shall be communicated to the petitioners at the end of two months period specified in this clause.

(6) If the concerned authority comes to the conclusion that the petitioners are entitled to receive pension under the 1980 Scheme, then appropriate direction be issued for release of pension in their favour along with arrears, if any, as per the extant policy. If, on the other hand, the Government of India decides to reject the claim of the petitioners, then reasons for such rejection shall be incorporated in the communication to be sent to them.

G.S.SINGHVI, CJ

Date: 12.12.2006
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